

Message Text

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51

ACTION EB-06

INFO OCT-01 EA-06 ISO-00 INRE-00 SSO-00 NSCE-00 SS-15

NSC-05 CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00 INR-05

NSAE-00 RSC-01 FAA-00 L-01 DRC-01 /043 W

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FM AMEMBASSY MANILA

TO JUSTICE DEPARTMENT WASHDC IMMEDIATE

US ATTORNEY SAN FRANCISCO CALIFORNIA

INFO SECSTATE WASHDC 7708

UNCLAS MANILA 12419

JUSTICE DEPT FOR RICHARD LOCKE

E.O. 11652: N/A

TAGS: EAIR, RP

SUBJ: CIVAIR - PAL SEIZURE CASE

REF STATE 226683

1. ARNOLD HAS TODAY SENT THE FOLLOWING LETTER TO RICHARD
LOCKE BY APO AIRMAIL:

QUOTE:

AS REQUESTED BY YOUR OFFICE THROUGH THE DEPARTMENT OF STATE,
I ENCLOSE AN AFFIDAVIT RESPONSIVE TO YOUR QUESTIONS CONCERN-
ING STATEMENTS SUBMITTED TO THE COURT BY MR. RAFAEL IGOA
OF PHILIPPINE AIRLINES.

YOU WILL APPRECIATE, I AM SURE, THAT IN REPLYING TO THE
QUESTIONS POSED I HAVE FELT SOMEWHAT CONSTRAINED RESPECT-
ING MATTERS DISCUSSED BETWEEN UNITED STATES AND PHILIPPINE
GOVERNMENT REPRESENTATIVES AND WHICH ARE NOT A PART OF
EITHER THE PUBLISHED RECORD OF DISCUSSION OR OF THE
AGREEMENT FINALLY CONCLUDED. WITH THAT CONSTRAINT IN MIND
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I HAVE TRIED TO PROVIDE AS FULL AND COMPLETE ANSWERS AS

POSSIBLE, PARTICULARLY WHERE MR. IGOA'S RECOLLECTIONS AND APPARENT INTERPRETATIONS DEPART MATERIALLY FROM MY OWN RECALL.

I SHOULD NOTE FOR YOUR INFORMATION THAT TALKS BETWEEN U.S AND PHILIPPINE REPRESENTATIVES WERE CONDUCTED MORE OR LESS CONTINUOUSLY OVER THE PERIOD JUNE 10 TO AUGUST 10, 1974, THE LATTER BEING THE DATE ON WHICH AGREEMENT WAS REACHED BY EXCHANGE OF DIPLOMATIC NOTES. ALTHOUGH PAL WAS REPRESENTED IN THESE DISCUSSIONS THROUGH COUNSEL MOST OF THE TIME, ANY DIRECT PARTICIPATION BY MR IGOA WAS CONFINED TO A ONE-WEEK PERIOD, ROUGHLY JULY 15 TO JULY 22, AND HIS PARTICIPATION THROUGH THIS PERIOD WAS ONLY SPORADIC. THUS, HIS PICTURE OF HOW GIVEN ISSUES FIRST AROSE OR ULTIMATELY WERE DISCUSSED IN TALKS WITH THE PHILIPPINE GOVERNMENT CAN ONLY BE INCOMPLETE. IT SHOULD ALSO BE CALLED TO YOUR ATTENTION THAT TALKS OF THIS TYPE NORMALLY ARE CONDUCTED BY A TEAM OF EXPERTS OUT OF WASHINGTON, INCLUDING US DEPARTMENT OF STATE, US CAB AND INDUSTRY REPRESENTATIVES. FROM JUNE 10 TO JUNE 20, 1974 SUCH EXPERT PANEL TALKS WERE HELD IN MANILA, AND SUBSEQUENT DISCUSSIONS IN WHICH MR IGOA AT TIMES WAS INVOLVED WERE IN THE NATURE OF FOLLOW-UP, ATTEMPT-TO ARRIVE AT UNDERSTANDINGS WITHIN A RANGE OF POSSIBILITIES ALREADY ADVANCED IN FORMAL TALKS AND SUBJECT AT ALL TIMES TO REFERENDUM. I HAVE NO DOUBT THAT THESE GROUND RULES WERE GENERALLY UNDERSTOOD AND ACCEPTED ON BOTH SIDES.

WHILE I HAVE NOT YET SEEN MR IGOA'S STATEMENT IN FULL, AND WHILE I MAY HAVE FURTHER THOUGHTS FOR YOU WHEN THE FULL TEXT ARRIVES, SOME OF THE COMMENTS IN HIS STATEMENT LEAD ME TO DOUBT THAT ANYONE WHO DID NOT PARTICIPATE FULLY IN THESE TALKS FROM START TO FINISH SHOULD BE EXPECTED TO HAVE A FULL UNDERSTANDING OF WHAT WAS ACCOMPLISHED AND HOW.

AS INDICATED ABOVE, I WILL REVIEW MR IGOA'S STATEMENT FULLY WHEN RECEIVED AND WILL PROVIDE ANY ADDITIONAL COMMENT AT THAT TIME. IN THE MEANTIME, PLEASE CALL ON ME FOR ANY FURTHER HELP THE EMBASSY OR I MAY PROVIDE. UNQUOTE.

2. IF LOCKE HAS QUESTIONS REGARDING FOREGOING, HE MAY WISH
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TO TELEPHONE ARNOLD EITHER VIA AUTOVON OR COMMERCIALLY THROUGH US EMBASSY SWITCHBOARD MANILA 59-80-11. EMBASSY OPERATOR WILL COMPLETE CALL TO ARNOLD AT HOME IF AFTER BUSINESS HOURS.
SULLIVAN

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